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Application No. 09/992,131

REMARKS/ARGUMENTS

In the Office Action dated January 21, 2003, paragraph 1, the Examiner stated that the Information Disclosure Statement filed 10 July 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance of each patent that is listed that is not in the English language. The Examiner indicated that only one reference was not considered. We assume that reference was FR 2,594,328, inventor M. Fhal, et al. with a file date of 08/21/87. We request that the Examiner now consider this reference.

A Supplemental Information Disclosure is attached regarding this reference. Patent FR 2,594,328 relates to a baby's pacifier with a luminescent collar, and alternatively with a luminescent handle. The luminescence is integrated into the materials of the collar and handle. The material absorbs light during the day and lights up in semi-darkness. The purpose of the invention is for location of the pacifier in semi-darkness. The French patent does not disclose a holder for a chemiluminescent article and therefore does not directly display the chemiluminescent article through openings.

In paragraph 2 of the Office Action, the Examiner objected to the drawings under 37 CFR 1.83(a). The Examiner stated that the drawings must show every feature of the invention specified in the claims. Figure 4a shows a pendant that can hang from a necklace as depicted by 54, the loop to place the necklace. The term "necklace" includes such an embodiment. Applicant has cancelled tiara, bracelet, backpack, scarf, and umbrella from the claims.

In paragraph 3 of the Office Action, the Examiner objected to the drawings because the specification refers to Fig. 5, but Figs 5a and 5b appear in the drawings. The specification has been amended to recite both Figs. 5a and 5b.

In paragraph 4 of the Office Action, the Examiner objected to the drawings because they do not include reference signs for closing mechanisms 40, beads or balls 42 or lower surface 70 of purse. Reference sign 40 has been added to the drawings. A substitute drawing is attached. The other reference numerals have been deleted from the specification.

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In paragraph 5 of the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. 112 as being incomplete, due to the "functional element" language. We believe the amendments to Claim 1 overcome this rejection in that the functional element language has been deleted. Claims 16-30 have been cancelled.

In paragraphs 6 and 7 of the Office Action, the Examiner rejected claims 1, 7, 8, 10, 15, 16, 22-25 and 30 under 35 U.S.C. 102(e) as being anticipated by Tedham et al. (U.S. Patent 6,431,724). Claim 1 of Applicant's invention has been amended to include "at least one holding element comprising at least one end and a main body, said main body comprising at least one opening for directly displaying said chemiluminescent article" (emphasis added). Tedham, et al. on the other hand, disclose a bag with an inside cloth hern that has no opening in its fabric main portion for directly displaying a chemiluminescent article. Accordingly, it is believed that claim 1 is allowable over Tedham, et al.

Regarding claims 2-14, these claims are dependent on claim 1, which we believe to be allowable. Accordingly, these claims are also believed to be allowable.

Regarding claim 15 (as amended), Tedham, et al., do not disclose an earring, necklace, pendant, brooch, and ring. Tedham, et al. is directed to a bag.

In paragraphs 8 and 9 of the Office Action, the Examiner rejected claims 16-23 and 25-30 under 35 U.S.C. 102(b) as being anticipated by Rosenfeld (U.S. Patent No. 4,061,910). These claims have been cancelled.

In paragraph 10 of the Office Action, the Examiner rejected claims 1-15 and 24 under 35 U.S.C. 103(a) as being unpatentable over Rosenfeld. Rosenfeld is directed to luminescent jewelry in which the light stick, itself, is the jewelry (see Figs. 1-5). Figs. 6 and 7 of Rosenfeld show a lightstick used to illuminate, as a background. As discussed above, Applicant's claim 1 has been amended to recite "at least one holding element comprising at least one end and a main body, said main body comprising at least one opening for directly displaying said chemiluminescent article" (emphasis added).

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Rosenfeld does not disclose a holding element comprising at least one end and a main body and the main body comprising at least one opening for directly displaying the chemiluminescent article.

Accordingly, it is believed that claim 1 is allowable over Rosenfeld.

Regarding claims 2-15, these claims are dependent on claim 1, which we believe to be allowable. Accordingly, these claims are also believed to be allowable.

In summary, it is believed that all of the claims remaining in the application are allowable over Rosenfeld and the other art cited by the Examiner. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Respectfully submitted,

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